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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
HIBST et al.)
Serial No. 09/622,173)
Filed: August 14, 2000)
For: COMBINATORIAL PREPARATION AND TESTING OF HETEROGENEOUS)
CATALYSTS)

MAIL STOP NON FEE

Art Unit: 1764

Examiner: Doroshenk

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450, on:
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Date of Signature

Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

A restriction requirement has been made under 35 USC §§ 121 and 372.

Group I, claims 1-4, are drawn to a catalyst array. Group II, claims 5-13, are drawn to a process for preparing an array. Group III, claims 14-20, are drawn to a process for determining the activity, selectivity, and/or stability of a catalyst in the array.

It is believed that the restriction requirement is improper and is hereby traversed.

Section 206 of the Administrative Instructions under the PCT states that the requirements of Rule 13 "unity of invention" shall be determined in accordance with Annex B. Annex B, part II, example 1, states that a method of manufacturing a chemical substance and the substance itself share the special technical feature of the

substance. Thus, the restriction of Groups I and II is clearly improper.

That same example also sets forth that the use of the substance also shares the special technical feature of the substance. In addition, however, determination of the properties of the substance could be considered, and probably should be considered, as a step in the manufacturing of the substance. Thus, in either event, the restriction between Group III and Group I is also clearly improper.

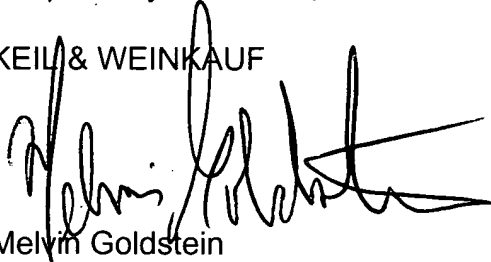
For the purposes of advancing prosecution, applicants provisionally elect Group I with traverse as explained above.

Favorable acceptance of this reply is respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

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